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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,277

09/25/2006

Mihall Danev Petkov

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6438

24002

7590

09/30/2008

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EXAMINER

PAINTER, BRANON C

ART UNIT

PAPER NUMBER

3633

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DELIVERY MODE

09/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,277	Applicant(s) PETKOV ET AL.	
	Examiner BRANON C. PAINTER	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/25/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 09/25/06 is being considered by the examiner.

Claim Objections

2. Claim 1 is objected to because of the following informalities:
 - a. Claim 1, "with entrance door seeing to the yard." For the purpose of this examination, the examiner presumes this should read "with door providing access to the yard."
 - b. Appropriate correction is required for all preceding objections.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites the limitation "the bearing beams" in line 26. There is insufficient antecedent basis for this limitation in the claim. For the purpose of this examination, the examiner presumes that this refers to "the supporting beams."

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6. Claim 5 is rendered vague and indefinite by the phrase "and/or." It is unclear whether both limitations are required to meet the claim, or if one is sufficient. For the purpose of this examination, the examiner presumes that meeting one of the two will meet the claim limitations.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (3,708,933) in view of Muroi (5,832,680) and Landreth (4,186,160).

10. Regarding claim 1:

- a. Yang discloses a multi-story parking garage (Figs. 1, 3, 6) including:
 - i. Reinforcing walls (c. 2, 42-44), bearing intermediate pillars (22, 23), and floor panels (21) on supporting beams (24).

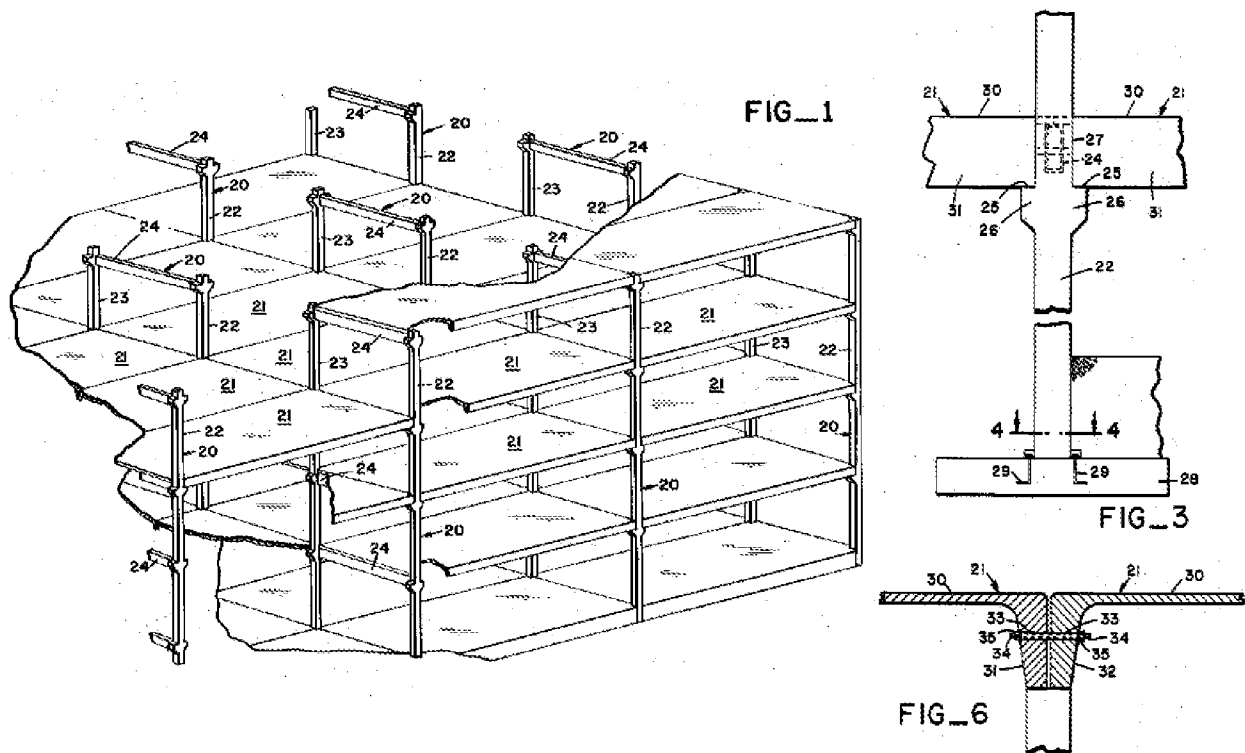
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- ii. The bearing pillars' length matching the height of the construction (Fig. 1).
 - iii. Short consoles (26) in the place where the floor is, and bearing pillars (22, 23) arranged parallel the basic traverse line (Fig. 1).
 - iv. The bearing pillars restrained in monolithic footings on foundations (28) .
 - v. The panels being pre-stressed pre-cast (Abstract) elements with longitudinal cavities (33).
- b. Yang does not expressly disclose that the garage is an underground garage in a complex as claimed, or the specific features of the bearing pillar restraints.
- c. Muroi discloses the use of a multi-story garage in an urban complex including:
- i. A yard (20, Fig. 1) situated between surrounding roadways (Fig. 1) and railed off by a fence (12) with entrance door seeing into the yard (fenced bridge into yard).
 - ii. In which a school building is situated (c. 12, 54-55; a library is considered a "school building," as it provides opportunities for learning) and a sports, play, and common activities zone (12).
 - iii. A multi-story garage construction (Fig. 3) below the yard level including an approach (24) linked to the roads and remote from the entrance and including a one-floor over-ground part.

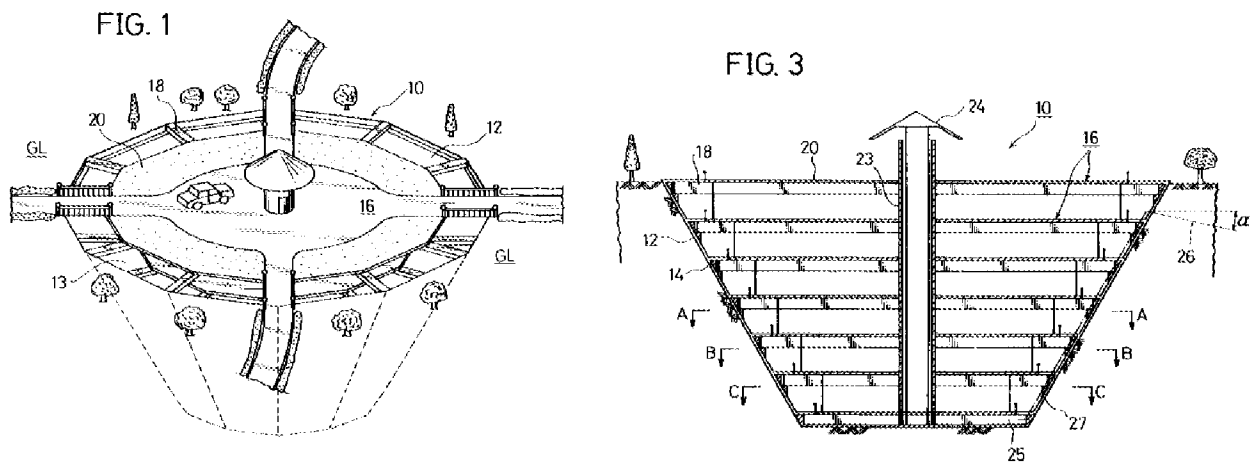
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- d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the parking garage of Yang by using it in an urban complex environment as taught by Muroi, in order to provide accessible parking to buildings while reducing the overall building-parking lot footprint.
- e. Landreth discloses a pillar (48, Fig. 10) with a bottom ribbed end (66) placed in cups having an internal ribbed surface (56) and partial outer ribbing (52, 54) shaped in their bottom edge that is monolithically restrained in the footing (46).
- f. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the pillar-foundation connection of Yang by providing matching projections and grooves as taught by Landreth, in order to allow easy connection between the pre-cast structures.

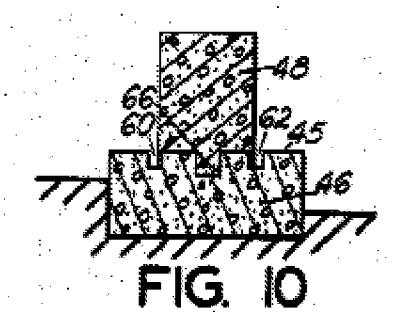
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Reproduced from Muroi



Reproduced from Landreth

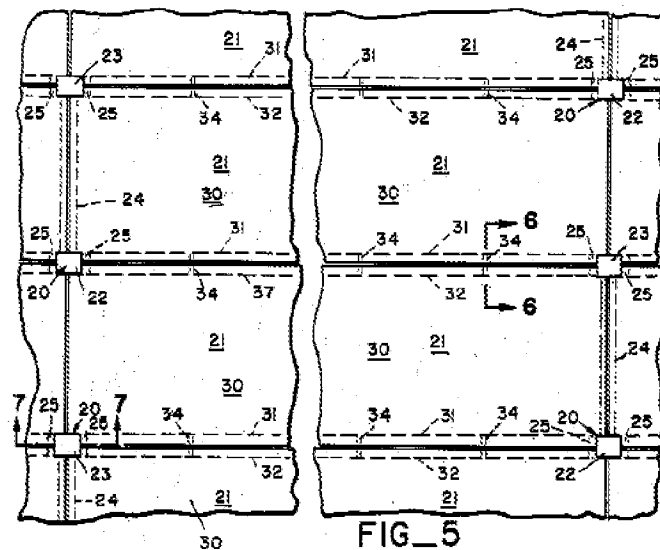
11. Regarding claim 2:

- a. Yang/Muroi/Landreth discloses a multi-story garage located in an urban complex and whose pillars are connected with ribbings as modified above.
- b. Yang/Muroi/Landreth does not expressly disclose that the two center distance of two rows tracing the basic traverse line is greater than the other center distances.
- c. It would have been an obvious matter of design choice to modify Yang by making the center distance of two rows tracing the basic traverse line greater than the other center distances, since applicant has not disclosed that this specific dimension change solves any stated problem or is for any particular purpose and it appears that the garage of Yang would perform equally well providing parking spaces.
- d. The examiner further notes applicant's disclosure that this center distance spacing is merely a design choice preference and is not critical to the complex (p.3, paragraph 2).
- e. The examiner notes that where the only difference between the prior art and the claims is a recitation of relative dimensions of the claimed device and a

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device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device is not patentably distinct from the prior art device. *MPEP 2144.04*.

12. Regarding claim 3, Yang/Muroi/Landreth discloses a multi-story garage located in an urban complex and whose pillars are connected with ribbings as modified above, with Yang further disclosing bearing pillars of square cross-section (22, 23, Fig. 5).



Reproduced from Yang

13. Regarding claim 4, Yang/Muroi/Landreth discloses a multi-story garage located in an urban complex and whose pillars are connected with ribbings as modified above, with Yang further disclosing the use of a ramp as an approach between floors (c. 2, 42-45).

- a. The examiner further notes that it would have been an obvious matter of design choice to modify the approach by including a ramped section, since applicant has not disclosed that a ramp solves any stated problem or is for

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any particular purpose and it appears that the approach of the combination would perform equally well.

14. Regarding claim 5, Yang/Muroi/Landreth discloses a multi-story garage located in an urban complex and whose pillars are connected with ribbings as modified above, with Muroi further disclosing an approach including an elevator cage (24).

15. Regarding claim 6:

- a. Yang/Muroi/Landreth discloses a multi-story garage located in an urban complex and whose pillars are connected with ribbings as modified above.
- b. Yang/Muroi/Landreth does not expressly disclose that the approach contains a shop.
- c. It would have been an obvious matter of design choice to modify the combination by providing the approach with a shop, since applicant has not disclosed that this specific dimension change solves any stated problem or is for any particular purpose and it appears that the garage of the combination would perform equally well providing parking spaces.
- d. The examiner further notes applicant's disclosure that the presence of a shop is merely a design choice preference and is not critical to the complex (p.3, paragraph 6).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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17. The cited patents listed on the included form PTO-892 further show the state of the art with respect to parking garages in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANON C. PAINTER whose telephone number is (571)270-3110. The examiner can normally be reached on Mon-Fri 7:30AM-5:00PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. C. P./
Examiner, Art Unit 3633
09/25/08
/Basil Katcheves/
Primary Examiner, Art Unit 3635